

Appl. No. : 10/882,001
Filed : June 29, 2004

REMARKS

Applicants respectfully submit that the amendments add no new matter and are fully supported by the application as originally filed.

Amendments to the Claims and Specification

Claim 1 has been amended.

Applicants respectfully submit that the amendments add no new matter and are fully supported by the application as originally filed.

Newly Added

New claims 65 and 66 have been added.

Election/Restrictions

The Examiner has requested restriction and the Applicant has elected to prosecute Claims 1-46. Claims 47-64 are cancelled with traverse and without regard to the merits of these claims.

Rejections under 35 U.S.C. §102

The Examiner has rejected Claims 1, 2, 6, 12-16, 18, 30, 31, 34, 35, 38-40, 43, and 44 under 35 U.S.C. §102(b) as being anticipated by Kott et al. (US 6,303,556).

Claim 1 has been amended to include the requirements of 1% or greater fragrance or essential oil, 2-60% carboxylic acid, and less than 85% water and greater than 20% water. Koch does not teach 1% or greater fragrance or essential oil. Therefore, Koch does not anticipate Claim 1. Claim 2 has been cancelled. Claims 6, 12-16, 18, 30, 31, 34, 35, 38-40, 43, and 44 are dependent on Claim 1. Therefore, Koch does not anticipate Claims 6, 12-16, 18, 30, 31, 34, 35, 38-40, 43, and 44.

The Examiner has rejected Claims 1-4, 9, 12, and 13 under 35 U.S.C. §102(e) as being anticipated by Barnabas et al. (US 6,814,088). Claim 1 has been amended to include the requirements of 1% or greater fragrance or essential oil, 2-60% carboxylic acid, and less than 85% water and greater than 20% water. Barnabas does not teach 1% or greater fragrance or essential oil. Therefore, Barnabas does not anticipate Claim 1. Claim 2 has been cancelled. Claims 3-4, 9, 12,

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and 13 are dependent on Claim 1. Therefore, Barnabas does not anticipate Claims 3-4, 9, 12, and 13.

The Examiner has rejected Claims 1-4, 6, 10-14, 16, 22, 23, 25, 27, 28, 30, 34, 38, 39, and 43 under 35 U.S.C. §102(b) as being anticipated by Wundrock et al. (US 4,852,201).

Claim 1 has been amended to include the requirements of 1% or greater fragrance or essential oil, 2-60% carboxylic acid, and less than 85% water and greater than 20% water. Wundrock does not teach compositions having greater than 20% water. Therefore, Wundrock does not anticipate Claim 1. Claim 2 has been cancelled. Claims 3-4, 6, 10-14, 16, 22, 23, 25, 27, 28, 30, 34, 38, 39, and 43 are dependent on Claim 1. Therefore, Wundrock does not anticipate Claims 3-4, 6, 10-14, 16, 22, 23, 25, 27, 28, 30, 34, 38, 39, and 43.

The Examiner has rejected Claims 1 and 3-7 under 35 U.S.C. §102(e) as being anticipated by Sherry et al. (US 6,716,805). Claim 1 has been amended to include the requirements of 1% or greater fragrance or essential oil, 2-60% carboxylic acid, and less than 85% water and greater than 20% water. Sherry does not teach 2-60% carboxylic acid. Therefore, Sherry does not anticipate Claim 1. Claims 3-7 are dependent on Claim 1. Therefore, Sherry does not anticipate Claims 3-7.

Rejections under 35 U.S.C. §103(a)

The Examiner has rejected Claims 1-46 under 35 U.S.C. §103(a) as being unpatentable over Wundrock et al. (US 4,852,201) in view of Sherry et al. (US 6,716,805).

Claim 1 has been amended to include the requirements of 1% or greater fragrance or essential oil, 2-60% carboxylic acid, and less than 85% water and greater than 20% water. Wundrock teaches a high actives dry composition on a pad that remains stable and dry until use and then effervesces on contact with water, "the effervescence which occurs when the acid and alkali carbonate come into contact with water in the toilet bowl to release oxygen and carbon dioxide gas." (col. 3, lines 50-53 of Wundrock). Sherry teaches a low actives, high water containing composition for cleaning. It would not be possible to combine the high water amounts of Sherry with the dry formulations of Wundrock, because to do so would render the invention of Wundrock unsatisfactory for its intended purpose.

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If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984) (MPEP 2143.01V)

Therefore, Wundrock in view of Sherry does not anticipate Claim 1 because Sherry cannot be satisfactorily combined with Wundrock. Claims 2, 5, and 24 have been cancelled. Claims 3-4, 6-23, and 25-46 are dependent on Claim 1. Therefore, Wundrock in view of Sherry does not anticipate Claims 3-4, 6-23, and 25-46. Accordingly, the objection to Claims 1, 3-4, 6-23, and 25-46 is overcome and it is respectfully urged that it be withdrawn.


CONCLUSIONS

In view of the foregoing amendments and remarks, Applicants submit that the application is in condition for allowance. If, however, some issue remains which the Examiner feels may be addressed by Examiner's amendment, the Examiner is cordially invited to call the undersigned for authorization.

Please charge any additional fees, including fees for additional extensions of time, or credit overpayment to Deposit Account No. 03 2270.

Respectfully submitted,
The Clorox Company
Customer No. 27019

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By: 
David Peterson
Registration No. 37909
Attorney (Agent) of Record
The Clorox Company
1221 Broadway
Oakland, CA 94612
(510) 271-7521